

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 2:02-cv-3698 (WHY)
	)	
ROBERT L. GAVETT	)	
	)	
Defendant.	)	

**UNITED STATES' MOTION TO STAY SCHEDULING ORDER AND TRIAL DATE**

The United States requests the Court to stay its scheduling order, including the trial date. In support of this request, the United States avers the following:

1. On December 2, 2004, the Court entered a scheduling order, ending discovery on June 30, 2004, setting the date for motions for July 15, 2004, and setting trial for August 30, 2004.
2. Among other deadlines, the order requires the United States to file its pretrial memorandum at least 20 days prior to August 30, 2004. Accordingly, this filing is due on or before August 10, 2004.
3. The defendant has steadfastly refused to participate in discovery in this case, having twice failed to appear for his deposition, despite the Court's order compelling his attendance.
4. Defendant's failure to participate in discovery has made it impossible for the United States to prepare its case for trial or possible settlement.

5 Accordingly, on July 12, 2004, the United States filed a motion for summary judgment and for judgment under Fed.R.Civ.P. 37.

6. Defendant has not filed a response to the United States' motion, although a response was due on or before July 26, 2004, in accordance with L.Civ.R. 7.1(c).

7. The United States, therefore requests that the scheduling order and the trial in this matter be stayed pending the Court's decision on the United States' motion.

8. A proposed Order granting the relief requested is attached.

9. The United States requests a hearing on this motion if the Court is inclined to deny the motion.

DATED: August 6, 2004.

Respectfully submitted,

PATRICK L. MEEHAN  
United States Attorney

/s/ Pat Genis  
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**CERTIFICATE OF SERVICE**

IT IS CERTIFIED that the United States' MOTION TO STAY SCHEDULING ORDER AND TRIAL DATE and proposed ORDER was served on August 6, 2004, by depositing a true and correct copy in the United States mail, postage prepaid, addressed as follows:

Robert Laurence Gavett  
1115 Cypress Court  
Breiningsville, PA 18031

/s/ Pat Genis  
PAT S. GENIS

